

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4382 of 2016

IN

Civil Writ Jurisdiction Case No. 8085 of 2016

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M/s Balajee Enterprises, Vachaspati Nagar, Mahendru, Patna through its Proprietor Mr. Om Prakash Pandey, son of Late Lakshman Pandey, resident of Vahchaspati Nagar, P.O. Mahendru, P.S. Bahadurpur, District- Patna 800006

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. Mr.R.K.Mahajan, the Principal Secretary, Department of Health, Government of Bihar, Patna
3. The State Health Society, Bihar Pariwar Kalyan Bhawan, Sheikhpura, Patna 14, through its Executive Director
4. Mr. Shashi Bhushan Kumar, the Executive Director, the State Health Society, Bihar Pariwar Kalyan Bhawan, Sheikhpura, Patna 14, Bihar, Patna
5. Mr. Shishir Kumar Sinha, the Development Commissioner, Government of Bihar, Patna
6. Dr. Rajendra Prasad, the Civil Surgeon-cum-Chief Medical Officer, Patna
7. Rajendra Nagar Super Specialty Ophthalmic Centre Patna through the Civil Surgeon cum Chief Medical Officer, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siddharth Shankar Pandey, Adv.

For the Respondent/s : Ms. Shama Sinha, A.C. to AAG 9

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 21-06-2017

Heard Mr. Siddharth Shankar Pandey, learned counsel for the petitioner and learned counsel for the State.

This contempt application is being filed complaining non compliance of the order passed by this Court on 16.05.2016 in C.W.J.C.No.8085 of 2016 by the respondent Civil Surgeon, requiring the disposal of the claim of the petitioner, copies of which order is enclosed at Annexures- 18 and 19 to the writ petition.



A show cause is being filed enclosing an order passed by the Civil Surgeon-cum-Chief Medical Officer, Patna at Annexure-A thereof and in reference thereto it is submitted by the learned State counsel that the claim has since been disposed of.

Although the disposal does not satisfy Mr. Pandey learned counsel for the petitioner who submits that the penal clause invoked by the petitioner has not been considered by the Civil Surgeon but in my opinion, the issue so raised herein even if be a subject matter of a writ petition, cannot be a reason for proceeding further in contempt application.

The order passed by the Civil Surgeon disposing of the claim of the petitioner substantially complies the direction of this Court and whether or not it is sustainable on merits, the issue is to be adjudicated in an appropriate proceedings. The petitioner if so advised, would be at liberty to question the order by filing an appropriate application before the appropriate forum.

No cause is present to continue with the present contempt application which is accordingly disposed of.

(Jyoti Saran, J)

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